

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SANTANDER CONSUMER USA, INC.

Plaintiff,

And

KATE A. MENSAH,

**DEFENDANT CITY
OF YONKERS, N.Y.
SUPPLEMENTAL
RULE 68 OFFER**

20 Civ. 04553 (KMK)

Plaintiff-Intervenor,

-against-

THE CITY OF YONKERS, A.P.O.W. TOWING, LLC,
AND HAROLD WUESTENHOFER,

Defendants.

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PLEASE TAKE NOTICE that pursuant to Rule 68 of the Federal Rules of Civil Procedure, the Defendant THE CITY OF YONKERS (“Defendant City”) offers to allow Judgment to be taken against said Defendant City in the amount of \$3,000 in full satisfaction of any and all claims against said City Defendant herein for damages incurred by the Plaintiff Santander Consumer USA, Inc (“Plaintiff Santander”), said \$3,000 offer being exclusive of all costs, disbursements and Attorney’s fees incurred by or on behalf of the Plaintiff Santander and any such claim that said Plaintiff Santander could assert for costs, disbursements and Attorney’s fees will be paid for by the Defendant City as determined by this Court. The Defendant City also additionally and separately offers Judgment to Plaintiff Santander against this Defendant City to further revise the Defendant City’s Code at Chapter 109-132 and any other related provisions and practices to provide for prompt notice of towing or removal as well as an opportunity to be heard before a person or party independent of the Defendant City to any registered owner, title owner,

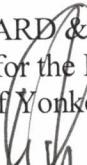
lessor or lien holder of any motor vehicle being towed or removed for non-payment of parking tickets or other violations of law or Code or otherwise amend the aforesaid City Code to reflect all current legal requirements (which provisions have already been implemented by the Defendant City in its actual practices). If this offer is not accepted within 14 days of service, it shall be deemed withdrawn. If any Judgment finally obtained by Plaintiff Santander is not more favorable than this Offer, said Plaintiff Santander must pay any and all costs, expenses, disbursements, and fees, including Attorney's fees, incurred by said Defendant City in the defense of this matter after making of this Rule 68 Offer.

PLEASE TAKE FURTHER NOTICE that this Rule 68 Offer of Judgment is made for the purposes of Rule 68 only, and it is not to be construed as an admission of liability on the part of the City Defendant herein.

DATED: August 3, 2021
White Plains, New York

Yours, etc.

BLANCHARD & WILSON
Attorneys for the Defendant
The City of Yonkers, New York

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